

SENATE BILL 21

By Marrero B

AN ACT to amend Tennessee Code Annotated, Title 38,
relative to certain vulnerable persons.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 1, is amended by adding the following as a new part:

38-1-601. This part shall be known and may be cited as the "Tennessee Senior Alert Act."

38-1-602. As used in this part, the term:

(1) "Alert system" means the state-wide "Senior" alert system for missing disabled adults;

(2) "Department" means department of safety;

(3) "Disabled adult" means an adult who is developmentally impaired or who suffers from dementia or some other cognitive impairment or who may be reasonably believed to be disabled in the absence of a formal diagnosis of cognitive impairment; and

(4) "Local law enforcement agency" means a local law enforcement agency with jurisdiction over the investigation of a missing disabled adult.

38-1-603. With the cooperation of the office of the governor, the Tennessee Education Lottery Corporation, and other appropriate law enforcement agencies in this state, the department shall develop and implement a state-wide alert system to be activated on behalf of missing disabled adults.

38-1-604.

(a) The director is the state-wide coordinator of the alert system and shall be appointed by the commissioner of safety.

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the alert system. The rules and directives must include instructions on the procedures for activating and deactivating the alert system.

(c) The director shall prescribe forms for use by local law enforcement agencies in requesting activation of the alert system.

(d) The director may also develop a training program for personnel of local law enforcement agencies in consultation with the Tennessee police officer standards and training commission.

38-1-605. The staff of an assisted care facility, group residence or boarding home licensed under title 33, or a nursing home, or the family of a disabled person, shall call the appropriate local law enforcement agency to report the elopement of any disabled person from the home or facility within thirty (30) minutes of the staff receiving actual knowledge that such person is missing from the home or facility.

38-1-606.

(a) The department shall recruit public and commercial television, radio, cable, print, and other media, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert system.

(b) The department may enter into agreements with participants in the alert system to provide necessary support for the alert system.

38-1-607.

(a) On notification by a local law enforcement agency that a disabled adult is missing, the director shall activate the alert system and notify appropriate participants in the alert system, as established by rule, if:

(1) A local law enforcement agency believes that a disabled adult is missing;

(2) A local law enforcement agency believes that the disabled adult is in immediate danger of serious bodily injury or death;

(3) A local law enforcement agency confirms that an investigation has taken place that verifies the disappearance and eliminates alternative explanations for the disabled adults disappearance; and

(4) Sufficient information is available to disseminate to the public that could assist in locating the disabled adult.

(b) The area of the alert may be less than state wide if the director determines that the nature of the event makes it probable that the disabled adult did not leave a certain geographic location.

(c) The agency may modify the criteria described by subsection (a) of this section as necessary for the proper implementation of the alert system.

38-1-608. Before requesting activation of the alert system, a local law enforcement agency must verify that the criteria described by subsection (a) of Section 38-1-607 have been satisfied. The local law enforcement agency shall assess the appropriate boundaries of the alert, based on the nature of the disabled adult and the circumstances surrounding the disappearance. On verification of the criteria, the local law enforcement agency shall immediately contact the agency to request activation and shall supply the necessary information on the forms prescribed by the director.

38-1-609.

(a) A state agency participating in the alert system shall:

(1) Cooperate with the department and assist in developing and implementing the alert system;

(2) Establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the alert system has been activated; and

(3) Utilize a rapid response telephone system that alerts residents in a targeted area.

(b) The Tennessee Education Lottery Corporation is directed and authorized to develop a method of notifying its vendors within an alert area of an alert in a manner designed to disseminate alert information to customers at its retail locations.

38-1-610. The director shall terminate any activation of the alert system with respect to a particular disabled adult if:

(1) The adult is located or the disappearance is otherwise resolved; or

(2) The director determines that the alert system is no longer an effective tool for locating and recovering the disabled adult.

38-1-611.

(a) Any entity or individual participating in the "Senior" alert system pursuant to this part shall not be liable for any civil damages arising from the dissemination of any alert generated pursuant to the "Senior" alert system.

(b) Nothing in this part shall be construed to limit or restrict in any way any legal protection an individual or entity may have under any other law for disseminating any information.

SECTION 2. The commissioner of safety is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. This act shall take effect on July 1, 2009.